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Atty. Dkt. No. 043738-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shinsaku TAKAOKA
Title: BACILLUS NATTO CULTURE
EXTRACT
Appl. No.: 10/761,430
Filing Date: 01/22/2004
Examiner: Herbert J. Lilling
Art Unit: 1651

RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an response to restriction requirement in the above-identified application.

☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	25	-	25	=	0	x	\$50.00	=	\$0.00
Independent Claims:	4	-	4	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:							+	\$360.00	= \$0.00
CLAIMS FEE TOTAL									= \$0.00

- ☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$120.00

- ☐ Please charge Deposit Account No. 19-0741 in the amount of \$120.00. A duplicate copy of this transmittal is enclosed.

- ☒ A check in the amount of \$120.00 is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

August 31, 2005

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 295-4094

Facsimile: (202) 672-5399

By Courtenay C. Brinckerhoff

Courtenay C. Brinckerhoff

Attorney for Applicant

Registration No. 37,288



Atty. Dkt. No. 043738-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shinsaku TAKAOKA
Title: BACILLUS NATTO CULTURE
EXTRACT
Appl. No.: 10/761,430
Filing Date: January 22, 2004
Examiner: Herbert J. Lilling
Art Unit: 1651

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Restriction Requirement mailed July 7, 2005, the period for response to which is extended to September 7, 2005, by the petition for extension of time and extension fee submitted herewith.

Applicant hereby provisionally elects the claims of Group I, claims 6-27, for examination in this application. This election is made without prejudice or disclaimer of the subject matter recited in the non-elected Groups.

Applicant respectfully awaits examination of the elected subject matter on the merits. If there are any questions regarding this submission, or if any issues remain, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 31, 2005

By Courtenay C. Brinckerhoff

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